

REMARKS

Applicant respectfully traverses and requests reconsideration.

Applicant wishes to thank the Examiner for the notice that claims 10-15 and 24-29 have been allowed. In addition, Applicant wishes to thank the Examiner for the notice that claims 6, 8, 21, 23, 35 and 37 would be allowable if written in independent form.

New claim 42 is the combination of claim 1 and 8 and is therefore allowable. As respectfully submitted below, the other claims are also in condition for allowance.

Claims 1-4, 7, 9, 16-19, 22, 30-33, 36 and 38-40 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Rivest. This is a new ground of rejection. Rivest is directed to a technique to maintain confidentiality among a sender and receiver by employing message authentication codes (MACs) that are based on secret authentication keys. For example, a sender breaks a message into packets and authenticates each packet using a shared secret authentication key. The message authentication code is computed as a function of the packet contents in the secret authentication key. (See page 1). The packet is sent in the clear with the appended authentication packet based on the shared secret key. The receiver authenticates each packet knowing the secret authentication key. If the authentication based on the secret authentication key fails, the packet and its MAC are automatically discarded. As such, Rivest describes a confidentiality mechanism based on a shared secret key wherein the sender of information and a receiver of information each share the secret key. In addition, Rivest is directed to providing confidentiality between a sender and a receiver and not to preventing interception of incoming data that is provided for a software application as noted in Applicant's claims.

In any event, Applicant has amended, for example, claims 1, 16 and 30 to note that the provided insertion data for the software application is a non key based insertion data unlike the confidentiality and key based authentication scheme taught by Rivest between a

sender and a receiver. Among other advantages, Applicant's claimed scheme is simpler and potentially less costly to implement and can also potentially use less bandwidth and also serves a different purpose as confidentiality of information is not required by Applicant's claimed method. Other distinctions will be recognized by those of ordinary skill in the art. Since Rivest does not teach, among other things, either interception of incoming data that is provided for a software application or providing non key based insertion data, Applicant respectfully submits that these claims are in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter. For example, claim 7 requires, among other things, storing a list of data representing data to be used as randomized data, randomly selecting the randomized data from the list of data and formatting the randomized data as insertion data in a same format as actual data. The cited portion of Rivest, namely page 6, does not refer to randomizing information, but again refers to utilizing authentication packets in the form of MACs. A packet may have random data but also has a wrong MAC. Also, Applicant is unable to find any storing of a list of data used as randomized data. As such, this claim is also in condition for allowance.

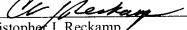
As to claim 9, Applicant has added a new independent claim 41 which is the combination of claims 1 and 9 and again respectfully submits that claim 41 requires, among other things, providing the insertion data, under control of the software application that is to receive the incoming data. As such, the software application both provides the insertion data and receives the incoming data which includes the insertion data. There is no separate sending and receiving application in this claim and there is no need for confidentiality as required in Rivest. The office action cites pages 3-7 for allegedly anticipating the subject matter. However, Applicant is unable to find any mention that the same software application controls the providing of the insertion data as well as receiving incoming data. Accordingly, this claim is also in condition for allowance.

Claims 5, 20 and 34 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rivest in view of Fadem et al. Applicant respectfully reassert the relevant remarks made above and as such, these claims are also in condition for allowance. In addition, the office action alleges that Fadem “teach the method, apparatus and storage mediums of claims 1, 16 and 30 including controlling timing of insertion data generation and output based on data queue parameters (see column 13, lines 19-46).” However, Applicant respectfully submits that Fadem does not teach the methods of claims 1, 16 and 30 as alleged and if the rejection is maintained, respectfully requests a showing as to where Fadem allegedly teaches such methods, apparatus and storage mediums. In addition, Fadem is not directed to the control of timing of insertion data generation as claimed and output based on data queue parameters as claimed. Fadem teaches only the use of actual data which is used by the system as previously noted in Applicant’s prior responses. For example, the link flow control bits in the Fadem reference are actual data and not insertion data, as actual data is data that is used by the system. Accordingly, the claims are in condition for allowance for these reasons as well.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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By: 
Christopher J. Reckamp
Registration No. 34,414

Vedder, Price, Kaufman & Kammholz, P.C.
222 N. LaSalle Street
Chicago, Illinois 60601
PHONE: (312) 609-7599
FAX: (312) 609-5005